

CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

November 7, 2023

Project Name

Taco Bell – Van Brunt Rezoning

Docket# 4

Request

CD-CPC-2023-00147 Rezoning without Plan

Applicant

Matthew Gibbs BHC Rhodes

Owner

Andrew Seemiller First Street Development

Location 3030 Van Brunt Blvd Area About 1.1 acres

Zoning B3-2
Council District 3rd
County Jackson
School District KCMO 110

Surrounding Land Uses

North: Undeveloped, zoned B3-2

South: Park, zoned R-1.5 **East:** Van Brunt Boulevard

West: Commercial/Residential, zoned

B3-2

Major Street Plan

Van Brunt Boulevard and E. Linwood Boulevard are identified on the City's Major Street Plan as a boulevard.

Land Use Plan

The Heart of the City Area Plan recommends mixed use community for this location.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on 9/8/2023. Scheduling deviations from 2023 Cycle S have occurred.

- To allow time for the public engagement meeting to take place.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does apply to this request. The applicant hosted a meeting on 10/30/2023. A summary of the meeting is attached to the staff report, see Attachment #3.

EXISTING CONDITIONS

The site is currently under construction (a new Taco Bell) and generally flat. Public Works and Parks & Recreation are proposing to redesign this intersection which includes the construction of a multi-modal trail.

SUMMARY OF REQUEST + KEY POINTS

A request to rezone about 1 acre from district B3-2 to district B4-2 generally located at Van Brunt Boulevard and E. Linwood Boulevard.

The applicant is seeking a rezoning to allow for a digital menu board sign.

CONTROLLING + RELATED CASES

The BZA approved Case. No. CD-SUP-2022-00033 to approve a drive-through facility generally located at E. Linwood Boulevard and Van Brunt Boulevard on 12/13/2022.

PROFESSIONAL STAFF RECOMMENDATION

Docket # Recommendation

4 APPROVAL WITHOUT CONDITIONS

PLAN REVIEW

The applicant is proposing to rezone about 1 acre of the site from B3-2 (Community Business) to B4-2 (Heavy Business/Commercial). Taco Bell corporate has transitioned to only provide digital menu board signs, which are not permitted in the B3 zoning district.

SPECIFIC REVIEW CRITERIA

Zoning and Development Code Map Amendments, Rezonings (88-515-08)

In reviewing and making decisions on proposed zoning map amendments, the City Planning and Development Director, City Plan Commission, and City Council must consider at least the following factors:

A. Conformance with adopted plans and planning policies;

The proposed rezoning is not in conformance with the Heart of the City Area Plan which recommends mixed use community as the future land use for the subject property. Staff is supportive of the rezoning because the site is currently being developed for a future drive-through facility (Taco Bell). Also, the Boulevard and Parkway standards prohibits uses which could detrimentally affect nearby residential properties.

B. Zoning and use of nearby property;

There is a mix of residential, commercial and manufacturing zoning districts within close proximity of the subject property.

C. Physical character of the area in which the subject property is located;

The subject property is located on a development node (the intersection of two boulevards) and is a major intersection that is heavily commercial in character and within close proximity to Interstate 70.

D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

The subject property is within proximity to existing infrastructure.

E. Suitability of the subject property for the use to which it has been restricted under the existing zoning regulations;

The drive-through facility was approved by the BZA in 2022 and the use is permitted via a special use permit (SUP) since it is within and adjacent to 150' of boulevard. The existing zoning (B3-2) does not permit a digital menu board sign.

F. Length of time the subject property has remained vacant as zoned;

The construction of the new drive-through facility (Taco Bell) is currently in progress. The special use permit to allow for a drive-through facility on a development node (the intersection of two boulevards) was approved by the Board of Zoning Adjustment in 2022.

G. The extent to which approving the rezoning will detrimentally affect nearby properties; and

The site is located on a development node which prohibits several uses that would typically be allowed by right in the B4 zoning district. Staff's recommendation of approval for the rezoning is justified due to

the fact that the Boulevard and Parkway Standards provide protection from specific uses that could detrimentally affect nearby properties and residents.

H. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

Historically speaking, staff does not usually support a rezoning to allow for a sign. In this case, the Boulevard and Parkway Standards provides a safety net in which it prohibits or requires a special use permit for any uses that could be detrimental to the public health, safety and welfare of nearby properties or residents.

ATTACHMENTS

- 1. Applicants Submittal
- 2. Public Engagement Materials

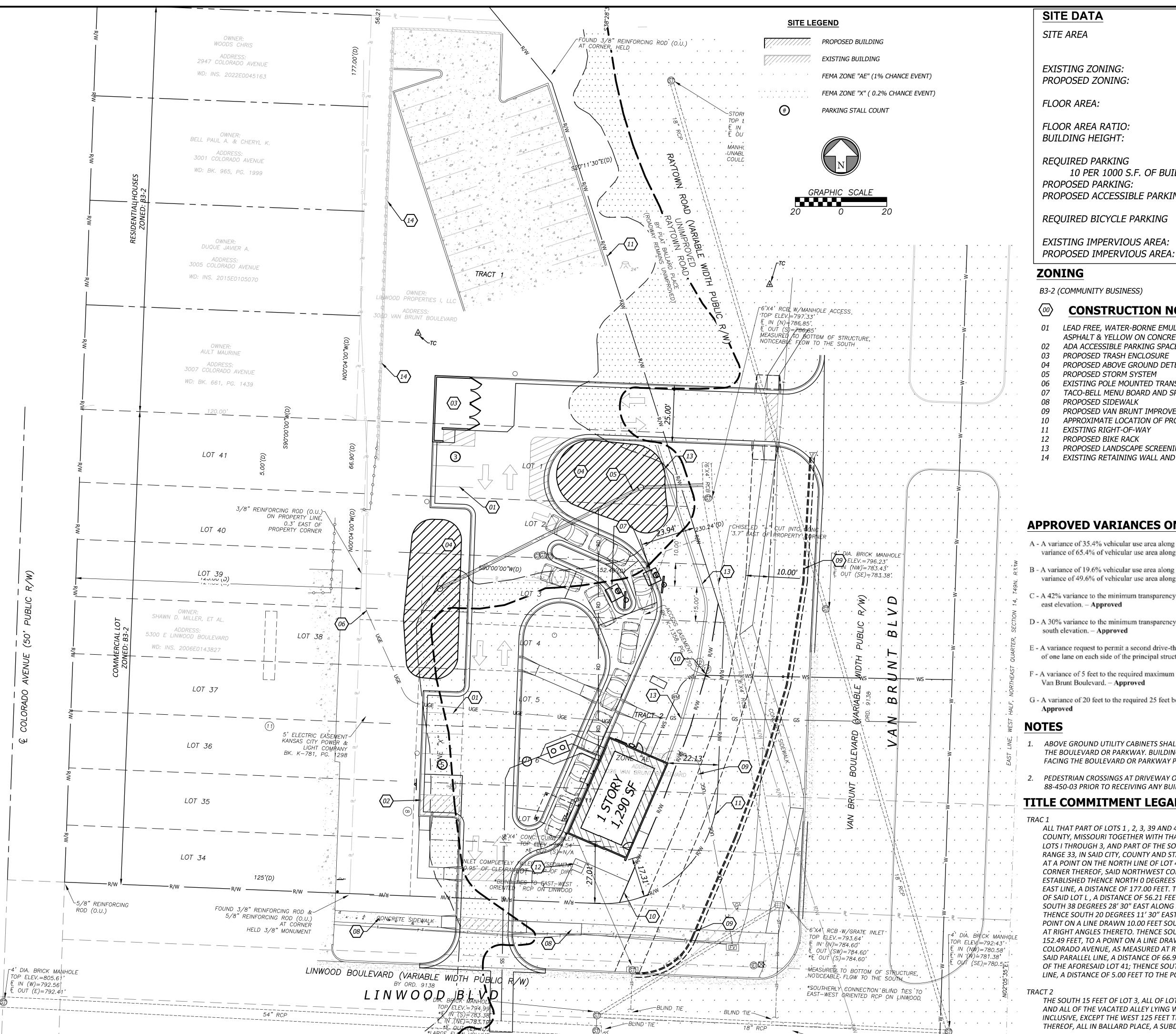
PROFESSIONAL STAFF RECOMMENDATION

City staff recommends APPROVAL WITHOUT CONDITIONS as stated in the conditions report.

Respectfully Submitted,

Andrew Clarke, AICP

Planner



SITE DATA

SITE AREA 49,571 S.F. (1.14 AC) B3-2 EXISTING ZONING: PROPOSED ZONING: B4-2 1,290 SQ FT FLOOR AREA: FLOOR AREA RATIO: 0.01BUILDING HEIGHT: 24 FT REQUIRED PARKING 10 PER 1000 S.F. OF BUILDING PROPOSED PARKING: PROPOSED ACCESSIBLE PARKING: REQUIRED BICYCLE PARKING 38,560 (SF) EXISTING IMPERVIOUS AREA:

B3-2 (COMMUNITY BUSINESS)

CONSTRUCTION NOTES

LEAD FREE, WATER-BORNE EMULSION BASED TRAFFIC PAINT FOR PARKING LOT STRIPING (WHITE ON ASPHALT & YELLOW ON CONCRETE).

20,330 (SF)

- ADA ACCESSIBLE PARKING SPACE
- PROPOSED TRASH ENCLOSURE
- PROPOSED ABOVE GROUND DETENTION AS REQUIRED FOR CSO REQUIREMENTS. PROPOSED STORM SYSTEM
- EXISTING POLE MOUNTED TRANSFORMER LOCATION. COORDINATE WITH ELECTRIC COMPANY.
- TACO-BELL MENU BOARD AND SPEAKER BOX
- PROPOSED SIDEWALK
- PROPOSED VAN BRUNT IMPROVEMENTS BY THE CITY
- APPROXIMATE LOCATION OF PROPOSED RIGHT-OF-WAY TO THE CITY
- EXISTING RIGHT-OF-WAY
- PROPOSED BIKE RACK
- PROPOSED LANDSCAPE SCREENING HEDGE
- 14 EXISTING RETAINING WALL AND WOODEN FENCE

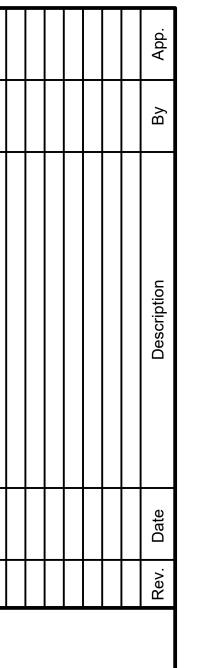
APPROVED VARIANCES ON 12/16/2022

- A A variance of 35.4% vehicular use area along Van Brunt Boulevard to the allowed amount of no more than 30% for a total variance of 65.4% of vehicular use area along Van Brunt Boulevard. – Approved
- B A variance of 19.6% vehicular use area along E. Linwood Boulevard to the allowed amount of no more than 30% for a total variance of 49.6% of vehicular use area along E. Linwood Boulevard. **Approved**
- C A 42% variance to the minimum transparency requirement of 60% for a total variance to permit 18% of transparency on the east elevation. - Approved
- D A 30% variance to the minimum transparency requirement of 60% for a total variance to permit 30% of transparency on the
- E A variance request to permit a second drive-through lane on the subject site to the requirement that there shall be a maximum of one lane on each side of the principal structure. - Approved
- F A variance of 5 feet to the required maximum setback of 20 feet to permit a setback of 25 feet from the right-of-way line along Van Brunt Boulevard. – Approved
- G A variance of 20 feet to the required 25 feet behind the front façade to permit two service windows on the subject site. -
- ABOVE GROUND UTILITY CABINETS SHALL BE LOCATED A MINIMUM OF 50 FEET FROM THE RIGHT-OF-WAY LINE OF THE BOULEVARD OR PARKWAY. BUILDING MOUNTED EQUIPMENT SHALL NOT BE LOCATED ON THE BUILDING FAÇADE FACING THE BOULEVARD OR PARKWAY PURSUANT TO 88-323-02-D.
- PEDESTRIAN CROSSINGS AT DRIVEWAY ON LINWOOD BOULEVARD AND VAN BRUNT BOULEVARD SHALL COMPLY WITH 88-450-03 PRIOR TO RECEIVING ANY BUILDING PERMIT.

TITLE COMMITMENT LEGAL DESCRIPTIONS

ALL THAT PART OF LOTS 1, 2, 3, 39 AND 40, BALLARD PLACE, A SUBDIVISION OF LAND IN KANSAS CITY, JACKSON COUNTY, MISSOURI TOGETHER WITH THAT PART OF THE VACATED ALLEY LYING WEST OF AND ADJACENT TO SAID LOTS I THROUGH 3, AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 49, RANGE 33, IN SAID CITY, COUNTY AND STATE, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS BEGINNING AT A POINT ON THE NORTH LINE OF LOT 41, OF SAID BALLARD PLACE, THAT IS 120.00 FEET EAST OF THE NORTHWEST CORNER THEREOF, SAID NORTHWEST CORNER BEING ON THE EAST LINE OF COLORADO AVENUE, AS NOW ESTABLISHED THENCE NORTH 0 DEGREES 04' 00" WEST ALONG A LINE 120 00 FEET EAST OF AND PARALLEL TO SAID EAST LINE, A DISTANCE OF 177.00 FEET. THENCE NORTH 90 DEGREES 00' 00" EAST, PARALLEL WITH THE NORTH LINE OF SAID LOT L , A DISTANCE OF 56.21 FEET TO THE WEST LINE OF RAYTOWN ROAD, AS NOW ESTABLISHED; THENCE SOUTH 38 DEGREES 28' 30" EAST ALONG SAID WEST LINE, A DISTANCE OF 35.51 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 20 DEGREES 11' 30" EAST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 230.24 FEET TO A POINT ON A LINE DRAWN 10.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 3, AS MEASURED AT RIGHT ANGLES THERETO. THENCE SOUTH 90 DEGREES 00' 00" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 152.49 FEET, TO A POINT ON A LINE DRAWN 125.00 FEET EAST OF AND PARALLEL TO THE EAST LINE OF SAID COLORADO AVENUE, AS MEASURED AT RIGHT ANGLES THERETO THENCE NORTH 0 DEGREES 04' 00" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 66.90 FEET TO A POINT ON THE EASTERLY PROLONGATION OF THE NORTH LINE OF THE AFORESAID LOT 41; THENCE SOUTH 90 DEGREES 00' 00" WEST ALONG SAID PROLONGATION AND SAID NORTH LINE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

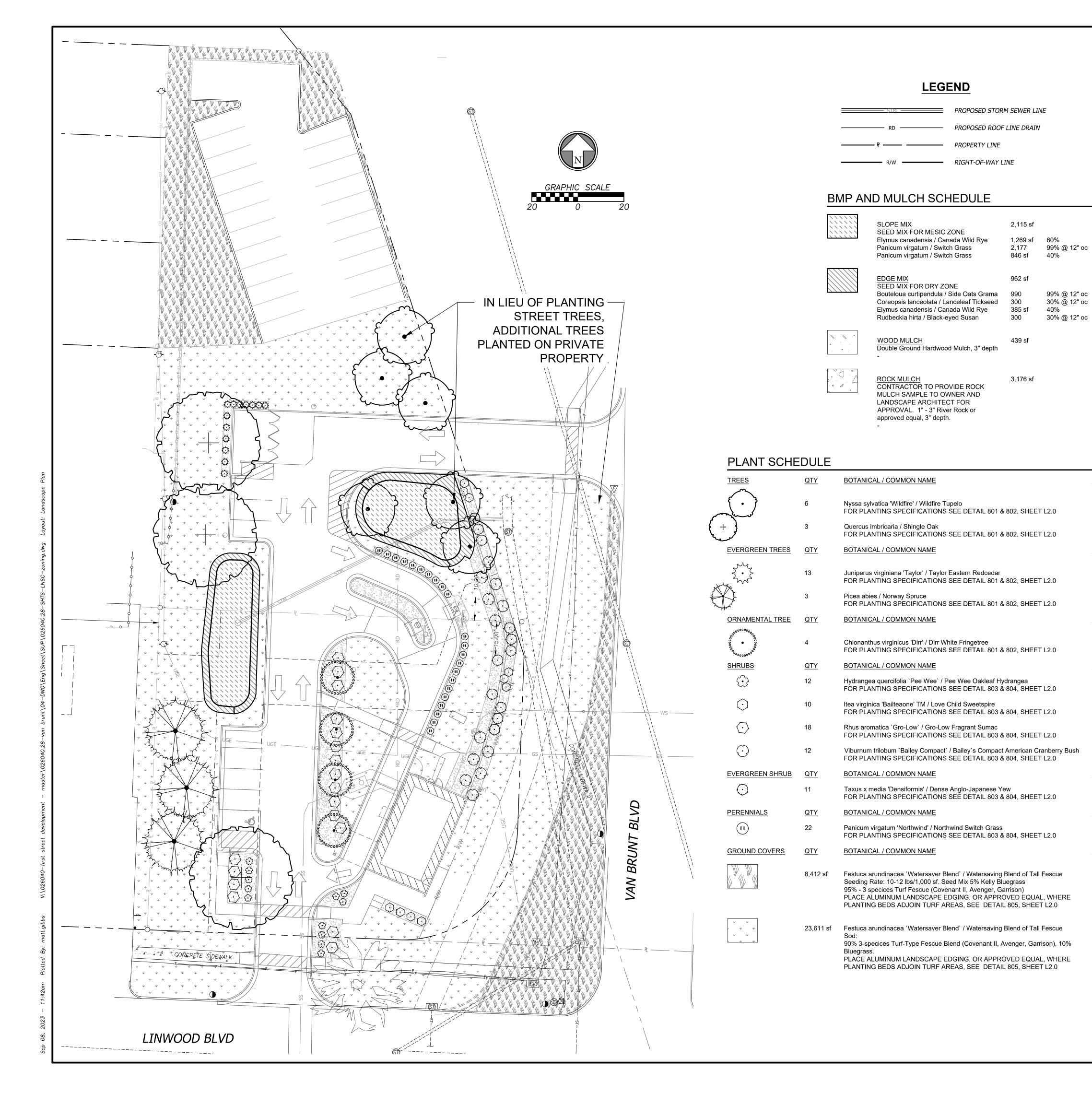
THE SOUTH 15 FEET OF LOT 3, ALL OF LOTS 4 THROUGH 8, BOTH INCLUSIVE, EXCEPT THAT PART THEREOF IN STREETS, AND ALL OF THE VACATED ALLEY LYING WEST OF AND ADJOINING SAID LOTS: ALL OF LOTS 34 THROUGH 38, BOTH INCLUSIVE, EXCEPT THE WEST 125 FEET THEREOF, AND THE SOUTH 15 FEET OF LOT 39 EXCEPT THE WEST 125 FEET THEREOF, ALL IN BALLARD PLACE, A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI



STE #415 SSTE #415 SS CITY, MO 6

NING TO R4-2 ELL - VAN BRUNT S CITY, MO 64128 ZON BEI SAS

esign: *MGG* | Drawn: *MGG* ssue Date: 09/08/202 oject Number: 026040.2



GENERAL LANDSCAPE NOTES

- 1. The Contractor shall verify and coordinate all final grades with the Landscape Architect and or design team prior to completion.
- 2. Location and placement of all plant material shall be coordinated with the Landscape Architect prior to installation.
- Location of all utilities are approximate, the Contractor shall field verify locations prior to commencement of construction operations.
- 4. Refer to Civil Drawings for all grading and berming, erosion control, storm drainage, utilities and site layout.
- 5. The Contractor shall arrange and conduct a pre-construction meeting onsite with Landscape Architect prior to work.
- 6. Plant quantities are for information only, drawing shall prevail if conflict occurs. Contractor is responsible for calculating own quantities and bid accordingly. Minimum quantities for each category of planting required by City Code must be maintained.
- 7. The Contractor is to notify Landscape Architect and KCMO Park's Department Staff after staking is complete and before plant pits are excavated.
- 8. Tree locations in areas adjacent to drives, walks, walls and light fixtures may be field adjusted as approved by Landscape Architect.
- 9. The Contractor shall report subsurface soil or drainage problems to the Landscape Architect.
- 10. The plan is subject to changes based on plant size and material availability. All changes or substitutions must be approved by the City of Kansas City, Missouri and the Landscape Architect.
- 11. Aluminum landscape edging to be used on all landscape beds adjoining turf areas as noted on landscape plans. Edging shall not be used between pavement and landscape beds.
- 12. Landscape Contractor shall be responsible for watering all plant material until the time that a permanent water source is ready.
- 13. The Contractor shall provide a submittal to show proof of procurement, sources, quantities, and varieties for all shrubs, perennials, ornamental grasses, and annuals within 21 days following the award of the contract.
- 14. Contractor shall provide full maintenance for newly landscaped areas for a period of 30 days after the date of final acceptance. At the end of the maintenance period, a healthy, well-rooted, even-colored, viable turf and landscaped area must be established. The landscaped areas shall be free of weeds, open joints, bare areas, and surface irregularities.
- 15. Landscape Contractor shall provide rock mulch sample to owner for approval.

GENERAL IRRIGATION NOTES

CONT CAL

B & B 2"Cal

B & B 2"Cal

B & B

<u>CONT</u>

5 gal

5 gal

5 gal

<u>SPEC</u>

5 gal

1 gal

<u>SPEC</u>

<u>HEIGHT</u>

HEIGHT

B & B 2"Cal

SPEC HEIGHT

Irrigation plan to be provided during permitting phase of development

- 1. Irrigation plan to not interfere with any proposed improvements shown.
- Irrigation system design to be based on available psi. Minimum operating pressure for spray heads shall be 30 psi and minimum operating pressure for drip zones shall be 40 psi.
- 3. The contractor shall be responsible for providing uninterrupted, 110 v electrical service to the controller and for all hook-ups. All exposed low voltage wire shall be enclosed in a conduit.
- 4. Place valve boxes 12" minimum from and parallel to curbs and walks, grouped valves to be equally spaced.
- 5. Install all mainlines to 1% minimum slope to drain valves located at low points of main system.
- 6. Irrigation controller and rain sensor shall be located in owner approved locations.
- 7. No irrigation system can be constructed in the ROW without written authorization from the KC Parks Department.

SITE DATA

	Quantity	Required	Existing	Provided	Total
Street Tree					
Linwood Blvd					
1 tree / 30 LF af street frantage	125	4.2	1	4*	5
Van Brunt Blvd					
1 tree / 30 LF af street frantage	238	7.9	n/a	8*	8
General Landscaping Trees					
1 tree / 5,000 SF af bldg faatprint	1890.4	0.4	n/a	1	1
Island/Interior Landscape					
parking pravided	19				
35 SF / parking space		665	n/a	2798	2798
1 tree / 5 spaces		3.8	n/a	5	5
1 shrub / space		19	n/a	49	49
groundcaver on all interior areas		Υ	n/a	Υ	Υ
*Street trees to be installed as part of future public	improvement p	lans. Quantiti	· · · · · · · · · · · · · · · · · · ·	i	

MOVV Figittings	
Additional plantings on private property in	
lieu of street trees	(6) Nyssa sylvatica 'Wildfire' / Wildfire Tupelo Tree
	seeded turf grass area with Festuca arundinacea 'Watersave
Proposed plant material in ROW	Blend' / Watersaving Blend of Tall Fescue
	sad turf grass area with Festuca arundinacea 'Watersaver
	Blend' / Watersaving Blend of Tall Fescue

Rev. Date Description By A

CIVIL ENGINEERING / SURVEYING / UTILITIES
7101 College Blvd., Suite 400
0 verland Park, Kansas 66210
p. (913) 663-1900
BHC is a trademark of Brungardt Honomicht & Company, P.A.

4700 BELLEVIEW AVE STE #415 KANSAS CITY, MO 64112

ACO BELL - VAN BRUNT AANSAS CITY, MO 64128

Design: MGG Drawn: MGC
Checked: MGC
Issue Date: 09/08/2023
Project Number: 026040.28

2

CASE NUMBER

PR-INF-2023-00022

ADDRESS OR LOCATION 3030 Van Brunt KCMO 64128

STATE OF MISSOURI COUNTY OF Platte
I, James D. Hilderbrand being duly sworn upon my oath and being of sound mind and legal age state:
That I am the Supplied (agent, owner, attorney) of the lot, tract or parcel of land for which the application was filed and did not later than fifteen (15) days prior to the date of first hearing scheduled for the above-referenced case at the above-referenced location, place a sign upon said lot, tract or parcel of land in compliance with the applicable Notice of Hearing procedures in the Zoning and Development Code.
(Print Name)
(Signature) Hiller brand
Subscribed and sworn to before me this 18th day of September, 2023.

Notary Public

My Commission Expires 10-19-2026

PATRIGIA A. HEIMAN Notary Public - Notary Seal State of Missouri Commissioned for Platte County My Commission Expires: June 19, 2026 Commission Number: 18211932

Said sign shall be furnished by the City to the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame. The sign shall be posted in a fashion visible from a public right-of-way or public place, shall not be further than ten (10) feet from the property line exclusive of the public right-of-way and shall be posted in a manner that the bottom portion of the sign is no further than eighteen (18) inches from the ground. The applicant shall file an affidavit prior to the public hearing stating that said sign has been posted according to these regulations.



PUBLIC HEARING

CITY HAL -, KANSAS CITY, MISSOURI

10-11-23

For information call 816-513-8801 Board of Zoning Adjustment



October 19, 2023

To surrounding neighbors,

A proposed project located at 3030 Van Brunt Blvd that requires a public engagement meeting. The property is looking to rezone the existing site from B3-2 (Community Business) to B4-2 (Heavy Business/Commercial). The proposed change is for the digital menu boards for the proposed Taco Bell currently under construction. The purpose of the meeting will be to discuss any concerns about the project.

A public engagement meeting will be held in person at the:

Brushed Creek Community Center & Pool 3801 Emanuel Cleaver II Blvd, Kansas City, MO 64130 on October 30th, 2023, at 6:00 pm.

Sincerely,

Matthew Gibbs, PE Sr. Project Engineer BHC

7101 College Blvd, Suite 400 Overland Park, KS 66210

Manthuw Bible



Taco Bell Van Brunt Rezoning Neighborhood Meeting Summary

October 30th, 6:00 PM to 7:00 PM, Brushed Creek Community Center & Pool

Attendees: Matthew Gibbs (BHC); Max DiCarlo (FSD)

Neighbors: None

Meeting started at 6:00 p.m.

No neighbors attended the meeting.

Meeting adjourned at 6:20 p.m.

If you have further questions about anything that was discussed at the neighborhood meeting, please contact me at matt.gibbs@ibhc.com or 913-663-1900.

Respectfully,

Matthew Gibbs, PE Sr. Project Engineer

BHC

7101 College Blvd, Suite 400 Overland Park, KS 66210

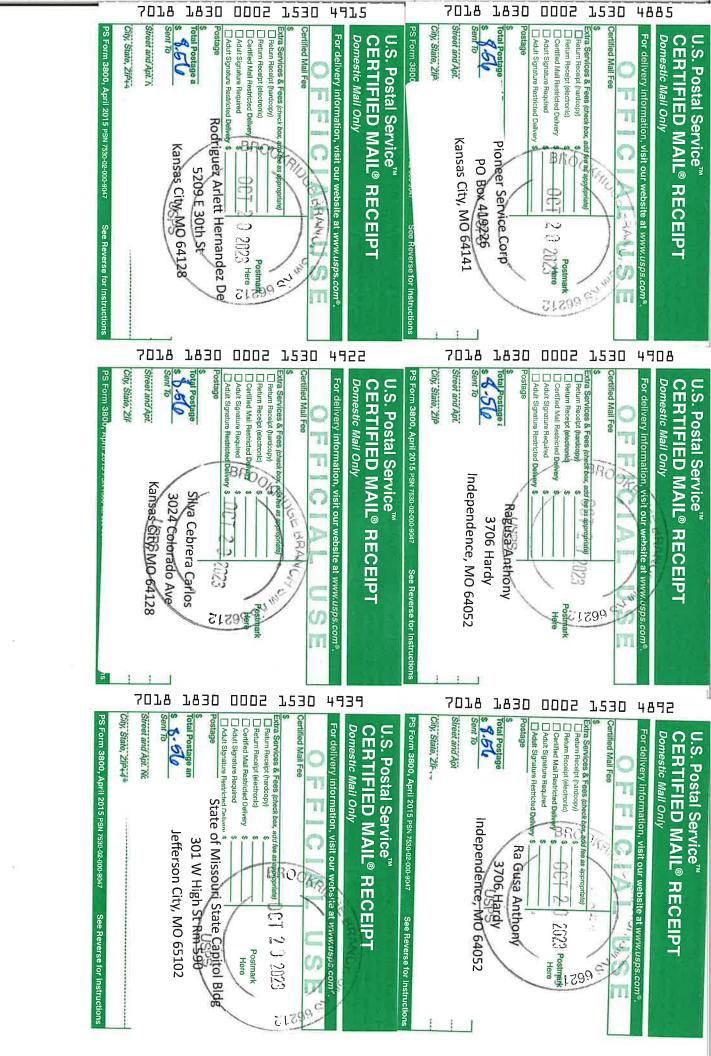
Marthur SAS











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